
By: **Delegates Amedori, Trueschler, Bohanan, Boteler, Bromwell, Cluster, DeBoy, Dwyer, Elliott, Elmore, Frank, Glassman, Hogan, Impallaria, Jennings, Kach, McComas, McConkey, McDonough, McMillan, Miller, Minnick, Myers, O'Donnell, Quinter, Sossi, Stocksdale, Stull, F. Turner, Walkup, Weir, and Zirkin**

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CHAPTER _____

1 AN ACT concerning

2 **~~Prohibited Monetary Recovery – Controlled Dangerous Substances,~~**
3 **~~Burglary, and Crimes of Violence~~**
4 **Victims of Crime - Burglary and Crimes of Violence - Civil Immunity**

5 ~~FOR the purpose of prohibiting an individual, or a beneficiary of the individual, from~~
6 ~~recovering monetary damages if the cause of the damages occurred during the~~
7 ~~individual's commission or attempted commission of certain criminal acts;~~
8 ~~providing that certain provisions do not apply to a governmental entity;~~
9 ~~requiring a person seeking to bar a certain recovery to prove certain facts by a~~
10 ~~preponderance of the evidence; providing for the application of this Act; and~~
11 ~~generally relating to prohibiting certain civil actions involving certain criminal~~
12 ~~acts under certain circumstances.~~

13 FOR the purpose of providing that a person may not be liable for damages for a
14 personal injury or death of an individual who enters the person's dwelling or
15 place of business with the intent to commit certain crimes under certain
16 circumstances; defining a certain term; providing for the application of this Act;
17 and generally relating to providing certain immunity from civil liability to a
18 victim of certain crimes under certain circumstances.

19 BY adding to
20 Article - Courts and Judicial Proceedings

1 Section 5-807
 2 Annotated Code of Maryland
 3 (2002 Replacement Volume and 2003 Supplement)

4 BY repealing and reenacting, without amendments,
 5 Article - Criminal Law
 6 Section ~~5-602, 6-202 through 6-204, 6-202 through 6-204~~ and 14-101(a)
 7 Annotated Code of Maryland
 8 (2002 Volume and 2003 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article - Courts and Judicial Proceedings**

12 5-807.

13 (A) IN THIS SECTION, "PERSON" DOES NOT INCLUDE A GOVERNMENTAL
 14 ENTITY.

15 ~~(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN INDIVIDUAL OR A~~
 16 ~~BENEFICIARY OF THE INDIVIDUAL MAY NOT RECOVER MONETARY DAMAGES~~
 17 ~~AGAINST A PERSON IF THE CAUSE OF THE DAMAGES OCCURRED DURING THE~~
 18 ~~INDIVIDUAL'S COMMISSION OR ATTEMPTED COMMISSION OF:~~

19 ~~(1) A CRIME INVOLVING A CONTROLLED DANGEROUS SUBSTANCE~~
 20 ~~UNDER § 5-602 OF THE CRIMINAL LAW ARTICLE;~~

21 ~~(B) SUBJECT TO THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION, A~~
 22 ~~PERSON IS NOT LIABLE FOR DAMAGES FOR A PERSONAL INJURY OR DEATH OF AN~~
 23 ~~INDIVIDUAL WHO ENTERS THE PERSON'S DWELLING OR PLACE OF BUSINESS WITH~~
 24 ~~THE INTENT TO COMMIT:~~

25 ~~(2) (1) A BURGLARY IN THE FIRST, SECOND, OR THIRD DEGREE UNDER~~
 26 ~~§ 6-202, § 6-203, OR § 6-204 OF THE CRIMINAL LAW ARTICLE; OR~~

27 ~~(3) (2) A CRIME OF VIOLENCE UNDER § 14-101 OF THE CRIMINAL LAW~~
 28 ~~ARTICLE.~~

29 ~~(C) TO BAR RECOVERY FOR MONETARY DAMAGES, A PERSON MUST PROVE, BY~~
 30 ~~A PREPONDERANCE OF THE EVIDENCE, THAT THE CONDUCT OF THE INDIVIDUAL~~
 31 ~~SEEKING DAMAGES, OR THE CONDUCT OF THE INDIVIDUAL UPON WHOM THE~~
 32 ~~BENEFICIARY CLAIM IS BASED, WAS CONSISTENT WITH THE ELEMENTS REQUIRED~~
 33 ~~FOR THE COMMISSION OR ATTEMPTED COMMISSION OF A CRIME SPECIFIED IN~~
 34 ~~SUBSECTION (A) OF THIS SECTION.~~

35 (C) SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO A PERSON WHO
 36 ACTS WITH MALICE OR GROSS NEGLIGENCE.

1 (D) THIS SECTION DOES NOT LIMIT OR ABROGATE ANY IMMUNITY FROM CIVIL
2 LIABILITY OR DEFENSE AVAILABLE TO A PERSON UNDER ANY OTHER PROVISION OF
3 THE CODE OR AT COMMON LAW.

4 **Article - Criminal Law**

5 ~~5-602.~~

6 ~~Except as otherwise provided in this title, a person may not:~~

7 ~~(1) manufacture, distribute, or dispense a controlled dangerous~~
8 ~~substance; or~~

9 ~~(2) possess a controlled dangerous substance in sufficient quantity~~
10 ~~reasonably to indicate under all circumstances an intent to manufacture, distribute,~~
11 ~~or dispense a controlled dangerous substance.~~

12 6-202.

13 (a) A person may not break and enter the dwelling of another with the intent
14 to commit theft or a crime of violence.

15 (b) A person who violates this section is guilty of the felony of burglary in the
16 first degree and on conviction is subject to imprisonment not exceeding 20 years.

17 6-203.

18 (a) A person may not break and enter the storehouse of another with the
19 intent to commit theft, a crime of violence, or arson in the second degree.

20 (b) A person may not break and enter the storehouse of another with the
21 intent to steal, take, or carry away a firearm.

22 (c) A person who violates this section is guilty of the felony of burglary in the
23 second degree and on conviction is subject to:

24 (1) for a violation of subsection (a) of this section, imprisonment not
25 exceeding 15 years; and

26 (2) for a violation of subsection (b) of this section, imprisonment not
27 exceeding 20 years or a fine not exceeding \$10,000 or both.

28 6-204.

29 (a) A person may not break and enter the dwelling of another with the intent
30 to commit a crime.

31 (b) A person who violates this section is guilty of the felony of burglary in the
32 third degree and on conviction is subject to imprisonment not exceeding 10 years.

1 14-101.

- 2 (a) In this section, "crime of violence" means:
- 3 (1) abduction;
 - 4 (2) arson in the first degree;
 - 5 (3) kidnapping;
 - 6 (4) manslaughter, except involuntary manslaughter;
 - 7 (5) mayhem;
 - 8 (6) maiming, as previously proscribed under Article 27, §§ 385 and 386 of
9 the Code;
 - 10 (7) murder;
 - 11 (8) rape;
 - 12 (9) robbery under § 3-402 or § 3-403 of this article;
 - 13 (10) carjacking;
 - 14 (11) armed carjacking;
 - 15 (12) sexual offense in the first degree;
 - 16 (13) sexual offense in the second degree;
 - 17 (14) use of a handgun in the commission of a felony or other crime of
18 violence;
 - 19 (15) an attempt to commit any of the crimes described in items (1)
20 through (14) of this subsection;
 - 21 (16) assault in the first degree;
 - 22 (17) assault with intent to murder;
 - 23 (18) assault with intent to rape;
 - 24 (19) assault with intent to rob;
 - 25 (20) assault with intent to commit a sexual offense in the first degree; and
 - 26 (21) assault with intent to commit a sexual offense in the second degree.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
28 construed to apply only prospectively and may not be applied or interpreted to have

1 any effect on or application to any case in which the cause of action arises before the
2 effective date of this Act.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
4 effect October 1, 2004.